

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-149-RJC-DCK**

DIAGNOSTIC DEVICES, INC.,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
PHARMA SUPPLY, INC., NATIONAL)	
HOME RESPIRATORY SERVICE, INC.,)	
d/b/a DIABETIC SUPPORT PROGRAM,)	
FRANK SUESS, DIABETIC SUPPLY OF)	
SUNCOAST, INC., and DAN DENNIS,)	
)	
Defendants.)	
_____)	

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion For Leave To Take Limited Jurisdictional Discovery In Response To Defendant Frank Suess's Motion To Dismiss" (Document No. 14), filed May 7, 2008; "Defendant Frank Suess's Opposition To Plaintiff's Motion For Leave To Take Jurisdictional Discovery" (Document No. 23), filed May 27, 2008; "Reply Brief In Support Of Motion For Leave To Take Limited Jurisdictional Discovery In Response To Defendant Frank Suess's Motion To Dismiss" (Document No. 27), filed June 9, 2008; and "Defendant Frank Suess's Surreply In Further Opposition To Plaintiff's Motion For Leave To Take Jurisdictional Discovery" (Document No. 28-2), filed June 17, 2008. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is now ripe for review.

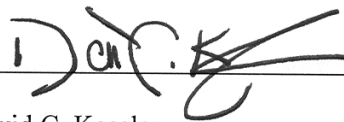
Having carefully considered the arguments, the record, and the applicable authority, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For Leave To Take Limited Jurisdictional Discovery In Response To Defendant Frank Suess's Motion To Dismiss" (Document No. 14) is **GRANTED**.

IT IS FURTHER ORDERED that "Diagnostic Devices, Inc.'s First Set Of Interrogatories And Requests For Production Of Documents To Frank Suess" (Document No. 14-2) are, at least in part, overly broad as drafted. Plaintiff's discovery at this stage shall be limited to **10 interrogatories, 5 requests for production**, and a maximum of **3.5 hours of deposition** of Defendant Frank Suess. Discovery shall be narrowly tailored to issues relevant to personal jurisdiction of Defendant Frank Suess. Following this limited discovery, Plaintiff may file a supplement to its "...Response Brief In Opposition To Frank Suess's Motion To Dismiss" (Document No. 15), on or before **October 3, 2008**. Defendant Suess may respond to Plaintiff's supplement on or before **October 17, 2008**.

SO ORDERED.

Signed: August 6, 2008



David C. Keesler
United States Magistrate Judge

